

It was alleged to be misbranded in that the statements, (display card) "Tartaroff is harmless and will not injure enamel," (carton) "Tartaroff is harmless," were false and misleading since it was harmful and would injure enamel.

On July 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

81. Adulteration and misbranding of witch hazel. U. S. v. 1 Bottle of Witch Hazel. Default decree of condemnation and destruction. (F. D. C. No. 1789. Sample No. 1059-E.)

This product was not distilled witch hazel as labeled, but consisted essentially of acetone, water, and a small amount of perfume.

On April 11, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 1 bottle of a product labeled "Pure Double Distilled Witch Hazel" at Fairmont, W. Va., alleging that the article had been shipped in interstate commerce on or about July 5, 1939, by Edlis, Inc., from Pittsburgh, Pa., to Charleston, W. Va., and that it had been reshipped on or about July 13, 1939, to Fairmont, W. Va.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it was a cosmetic and bore or contained a deleterious substance which might have rendered it injurious to users under such conditions of use as are customary or usual.

It was alleged to be misbranded in that the statement "Pure Double Distilled Witch Hazel," borne on the label, was false and misleading since it was incorrect.

On August 26, 1941, the sole claimant having withdrawn her claim, judgment of condemnation was entered and the product was ordered destroyed.

COSMETICS CONTAMINATED WITH FILTH

82. Adulteration of Spark'l Shaving Cream, Paulette Hair Dressing, and Paulette Bay Rum. U. S. v. 1,428 Packages of Spark'l Shaving Cream, 276 Packages of Paulette Hair Dressing, and 3,204 Bottles of Paulette Bay Rum. Default decree of condemnation and destruction. (F. D. C. Nos. 7420, 7483. Sample Nos. 87790-E, 87791-E, 98283-E.)

The shaving cream and hair dressing were found to be contaminated with filth such as rodent, cat, and human hairs, insect fragments, and miscellaneous dirt. Examination of these articles also showed the presence of paint, rust, pieces of cardboard, and wood splinters. The bay rum was contaminated with dirt, soot fragments, and plant fibers.

On May 1 and 9, 1942, the United States attorneys for the District of Columbia and the District of Massachusetts filed libels against 1,428 packages of Spark'l Shaving Cream and 276 packages of Paulette Hair Dressing at Washington, D. C., and 3,204 bottles of Paulette Bay Rum at Boston, Mass., alleging that the articles had been shipped by the Spark'l Co. (Spark'l Paulette Co., Inc.) from Brooklyn, N. Y., on or about March 24 and April 20, 1942; and charging that they were adulterated in that they had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

On August 8 and September 28, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

83. Adulteration of miscellaneous cosmetics. U. S. v. A Certain Quantity of Cosmetics. Consent decree of condemnation. Products ordered released under bond for segregation and relabeling of fit portions. (F. D. C. No. 4214. Sample Nos. 56786-E to 56794-E, incl.)

This case was based on a shipment of salvaged smoke- and water-damaged goods, which included various cosmetics.

On April 15, 1941, the United States attorney for the Southern District of New York filed a libel against 284 cartons of miscellaneous merchandise, including a certain quantity of cosmetics, at New York, N. Y., alleging that the articles had been shipped on or about February 26 and 28, 1941, by Curtis & Travis from Harrisburg, Pa.; and charging that the cosmetics were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

The libel also covered quantities of foods and drugs that were adulterated, as reported in F. N. J. No. 2825 and D. D. N. J. No. 563.

On April 30, 1941, Gibbs Peoples Drug Service Co., Harrisburg, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that the fit portions be segregated and relabeled in compliance with the law.